

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1354-01
Bill No.: HB 785
Subject: Agriculture and Animals; Law Enforcement Officers and Agencies
Type: Original
Date: March 25, 2013

Bill Summary: This proposal changes the laws regarding the confiscation of animals.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§ 578.018 and 578.030 - Confiscated Animals:

Officials from the **Department of Agriculture (AGR)** assume any political subdivision impounding animals for the purposes of ensuring their protection from abuse, neglect, or cruelty would be impacted by additional costs of keeping and caring for the animals.

AGR assumes animal shelters currently utilized by the Department of Agriculture will not keep animals without a reasonable timeline for disposition.

AGR states, this proposal would require the AGR, Animal Care Facilities Act Program, to expand the program by constructing and staffing a shelter for animals taken under the authority of a warrant for the purpose of care and maintenance of the animals pending acquittal, conviction, or final discharge of the owner.

AGR states, an average of six (6) warrants per year are issued under 578.018 with an average of 75 animals per incident totaling 450 animals per year.

AGR states, this proposal would require an animal shelter with a holding capacity of 450 animals at a cost of \$4,566,903 to be built, plus operating and maintenance costs in FY 2014. FTE and maintenance costs would be \$654,251 in FY 15 and \$661,284 in FY 16. These costs include one (1) Veterinarian I, nine (9) Animal Health Officers, and one (1) administrative assistant to staff the shelter and carry out the provisions of this proposed legislation.

AGR assumes all animals would be affected (e.g. horses, cows, exotic animals, etc.). However, the estimated costs are based on dogs only. Total costs for all species are unknown.

In response to similar legislation from 2012 (HB 1444), AGR stated, the state of Missouri has 248 municipal or local government dog pounds, 294 non-profit licensees listed as animal shelters, contract kennels, or rescues, and one for profit animal shelter.

Oversight assumes under current law, AGR, along with local law enforcement, facilitates the removal and placement of animals subject to a warrant and seizure. Currently, all costs of sheltering seized or removed animals are incurred by the animal shelter, dog pound, or rescue facility for the first 30 days till the disposition hearing.

ASSUMPTION (continued)

Oversight assumes upon conviction the animal owner will be liable for all costs related to the removal and care of the animal.

Oversight assumes any additional costs related to this proposal, should the animal owner be acquitted, would be incurred by local governments, non-profit organizations, or private animal shelters, dog pounds, and animal rescue facilities.

Oversight assumes no fiscal impact from this proposed legislation on the Department of Agriculture and an unknown cost to local government dog pounds, shelters, and rescues as a result of this proposal.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of Prosecution Services (OPS)** assume no fiscal impact to OPS. The creation of a new crime creates additional responsibilities for county prosecutors. This may in turn result in additional costs which are difficult to determine.

Oversight assumes county prosecutors can absorb any costs related to this proposal.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of allowing the adoption, euthanasia, or other disposal of animals unlawfully seized or removed from an owner until final disposition of the charges against the owner. This would be a new class B misdemeanor, subsequent offenses would be a class A misdemeanor.

While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Health and Senior Services, Office of the State Courts Administrator** and **Joint Committee on Administrative Rules** each assume the current proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal can be absorbed with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL GOVERNMENT FUNDS			
<u>Revenue - Animal Rescue Facilities</u> §§ 578.018 and 578.030 - reimbursement of animal care costs from owner upon conviction	Unknown	Unknown	Unknown
<u>Cost - Animal Rescue Facilities</u> §§ 578.018 and 578.030 - care of animals held till final disposition of charges	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

Direct fiscal impact to non-profit and for profit animal shelters or animal rescue facilities would be expected as a result of this proposal.

FISCAL DESCRIPTION

§§ 578.018 and 578.030 - Confiscated Animals:

This proposal allows a third party approved by the court to care for impounded animals.

This proposal specifies that an animal owner is only responsible for the impounded animal's care and keeping prior to a disposition hearing if the court determines that the animal was lawfully taken and will not be returned to the owner.

FISCAL DESCRIPTION (continued)

This proposal allows an owner to demand the return of the animals if he or she is acquitted or there is a final discharge without a conviction, and any organization or individual with custody of the animals must immediately return them to the owner. The animal owner is not liable for any costs incurred relating to the placement and care of the animals while the charges were pending.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Office of Secretary of State
Joint Committee on Administrative Rules
Office of State Courts Administrator
Department of Health and Senior Services
Office of Prosecution Services
State Public Defender's Office
Office of the Attorney General



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Acting Director
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